

Application SN: 10/786,375
Amendment Dated: July 29, 2005
Reply to Office Action of: March 29, 2005

REMARKS

The Office Action has been reviewed. The error in the Information Disclosure Statement noted and the reference in the Specification has been corrected to reflect the correct number which is U.S. Patent No. 3,753,556.

5 Claim 1 has been rewritten to more particularly point out and emphasize the unique features claimed by the Applicant.

At the outset, a review of the Applicant's invention is believed helpful. As is well known, in order to fit properly the frame in which a door is to be installed must be entirely square and plumb. This means that both the vertical and horizontal jambs must be in the same plane and the vertical jamb portions must be parallel and not twisted or racked. If the doorframe is not fitted properly, the door will not fit and either unsightly gaps will exist or excessive trimming will be necessary in order to position the door in the frame.

10 Recent development in construction is the use of metal doors and metal door frames. Both wood and metal frames must be square and plumb in order for the door to fit properly.

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The present invention provides an alignment system which allows the installer to square the door at the time of installation. The door squaring system includes a reel having a spool rotatively mounted on a housing. The reel includes a ratchet to prevent the spool from rotating and to allow the installer to pay out the desired length of line.

5 The line is attached to the reel and is extended over and around corner guide roller members. Each of the corner guide members includes two fastener means so that the roller members can be attached at selected locations to the doorframe, either metal or wood. The fastener members may be magnets and may be apertures or bores so that these members may be temporarily secured to wood framing members as well by 10 using fasteners such as screws or nails.

In use, the reel is secured to the frame at a selected location, for example abutting the doorstop near the bottom end of one of the vertical framing members. The corner roller guide members are secured at other locations such as abutting the doorstop at the upper end of the two vertical frame members and the lower end of the 15 opposite vertical members. The line can then be payed out to extend in criss-cross fashion from the supply reel to the opposite upper corner, then horizontally to the

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upper corner of the frame member on which the spool is located and back to the lower end of the opposite vertical frame member or jamb.

If the corners of the frame and jamb are square, the line will intersect at a mid-point location within the frame opening. If the door is not square, the jamb members are not plane and the line will not form an intersection indicating to the installer that further adjustment is necessary.

The system also includes a jamb spacing member which includes a spreader plate which is placed in the threshold below the lower end of the vertical jambs. The spreader plate has a horizontally adjustable track and end members which are engageable with the opposite jambs. The end members are adjustable to accommodate door jambs variously dimensioned. The installer can then, by extending or retracting the track, establish precise parallelism between the vertical jambs and adjust for any twisting or racking that may have occurred.

As mentioned above, Claim 1 has been rewritten. Claim 1 has been rejected under 35 U.S.C. §103 as being unpatentable over Stein. Stein is cited as disclosing the invention substantially as claimed including a reel with a spool and line and guide members. Stein is also cited as showing a criss-crossing line for the purpose of

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checking frame alignment. It is acknowledged that Stein does not disclose a single line for this purpose, but rather utilizes a pair of lines.

Stein relates to a doorframe installation apparatus and method which includes elongate, parallel stanchions which are secured on one side of each jamb on the frame.

5 The stanchions are L-shaped in cross-section and have an adjustable foot and extend substantially the full height of the doorframe. Swivel clamps on each stanchion are provided to anchor the side jambs to the side of the rough opening. A plurality of screws are mounted on the stanchions and two spring recoil reels are mounted on the stanchions, each connected to a cross line. Diagonal measuring tapes extend

10 diagonally to anchoring points near the top of each of the stanchions. A proper fit is obtained when the cross lines 66, 68 touch and the tapes 74, 76 read the same at the scribe lines 96.

While both the Stein device and the Applicant's system relate to fitting a door, there are substantial differences. As pointed out above, Stein relies on the use of two 15 elongate, large stanchions which must be secured to the opposite vertical doorframe members. In addition, Stein utilizes a pair of cross cables to determine proper fit. Stein does suggest the use of a reel or pair of reels 62 which are connected to the cross

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lines. The Applicant's system does not require the use of large, bulky stanchions which must be secured to the doorframe. Rather, the Applicant's consists of a single reel having a spool to which a line is attached and a plurality of guide members, typically three. The reel and the guide members are relatively small, compact and each may be easily carried by the installer and secured to the doorframe. In addition, the Applicant's reel and guide members have both first and second fastener members which allow the installer to secure the reels either to a wooden frame or metal frame door.

The Stein reference does not suggest that the device may be used with metal frame doors. In fact, the drawings all represent the doorframe as being wooden and the specification suggests T-screws are mounted on the stanchions to secure the stanchion to the side jambs and frame members, which is inconsistent with use on metal frames. Thus, there is no recognition in Stein of having a doorframe installation system which is applicable both to metal and wooden framed doors. It is also noted that the components of the Applicant's system are *directly securable to the doorframe and are not carried on a separate stanchion*. The versatility compactness and ease of

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installation of the Applicant's system substantially distances it from the device disclosed in Stein.

The Examiner has cited Kunze as disclosing a ratchet and pall to prevent an extended line from accidentally being retracted into the housing. Kunze relates to a hook unit for measuring street grade having a ratchet and spool. The Applicant does not make any claim, *per se*, to the use of ratchet and pall devices which Applicant acknowledges are well known. However, the modification of the Stein device to include a ratchet and pawl would not result in the Applicant's system, but simply would result in the stanchion device of Stein with a ratchet and pawl. It is also noted that Kunze and Stein are in diverse areas and there is no suggestion within either of the references to make the combination.

The Examiner further acknowledges that Stein does not disclose spools on the guide members, as claimed, and references Adams, et al., as disclosed, how spools may be used on guide members for purposes of easily feeding an elongate member from a reel.

The reason Applicant includes spools is that a single line is used for squaring which may be payed out from the reel and then extended over the spools in criss-cross

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fashion to determine whether the doorframe is square and plumb. The combination of Adams, et al., with Stein is deficient as Stein utilizes four separate lines forming two pairs of crossed cables. The lines are prefastened to the stanchions which are secured to the door. Therefore, there is no suggestion of using a single line which, in fact, would be inconsistent with the design and intended use of the Stein device. Further, 5 the resulting device would still necessarily use stanchions.

Claim 1 also recites that the fastening associated with the reel and spools may have a pair of fastening means, one to be used with a wooden frame and the other pair with a metal frame. Again the Examiner cites Stein, acknowledging that Stein does not disclose a magnet. McKnight is cited as disclosing a magnet for the purpose of attaching a housing to an object. McKnight shows a conventional tape measure with a number of features, including a magnetic foot member and a belt or trouser clip. 10 Again, there is no suggestion within either the McKnight or Stein references to modify Stein to include some sort of magnetic member. As pointed out above, Stein appears to be limited to the application of wooden doorframes. Therefore the 15 stanchions necessarily could not be magnetically attached for installation. If one were to modify Stein to magnetically secure the recoil reels to the stanchions, the result

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would not be the Applicant's invention as the device would still incorporate bulky stanchions and the reel devices would not be securable to the doorframes.

The Examiner has cited a basic reference in Stein which relates to a doorframe installation and has cited a number of secondary references such as Adam, Kunze and

5 McKnight, which disclose various features or components similar to some of those recited in the Applicant's Claim 1. As pointed out above, the combinations are not appropriate as there is, in most cases, no suggestion to make the combination urged by

the Examiner. Further, the resulting combination, even if appropriate, would not result in or be suggestive of Applicant's claimed system. The references are generally from diverse fields and it is well known it is not appropriate to pick and choose from a number of references in order to reconstruct the Applicant's claimed device in

10 hindsight. *W.L. Gore Assoc. v Garlock, Inc.*, 220 USPQ 303 (Fed. Cir. 1983)

Claims 5 and 6 are dependent claims and relate to an adjustable spreader which may be used in connection with the device of Claim 1 for adjusting the spacing of the 15 foot of the vertical frame members and to insure the frame members are not twisted or racked. The Lagasse reference shows a device of this general type. It is noted that

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Claims 5 and 6 are dependent claims and Applicant makes no claim, *per se*, to the use of a spreader apart from the doorframe alignment feature set forth in Claim 1.

A favorable action is respectfully solicited.

Respectfully submitted,

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